

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG
LONDON LOS ANGELES NEW YORK PALO ALTO
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
T +1 212 841 1000

November 2, 2019

By ECF and E-mail

The Honorable Joan M. Azrack
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: United States v. Christopher McPartland, et al., 17-cr-0587 (JMA)

On behalf of defendants Christopher McPartland and Thomas Spota, and without objection from the government, we write to request that the courtroom be sealed for Tuesday's hearing and oral argument on the parties' *in limine* motions to admit or exclude evidence.

The reasons for this request are two-fold. First, the motions cover an enormous amount of otherwise sealed materials and other documents subject to the confidentiality orders in the case. The hearing and oral argument will of necessity include extensive reference to these materials. As a practical matter, it will not be possible to successfully navigate through portions of the record that are confidential and those that are not. Second, particularly with jury selection now underway, we believe that a sealed courtroom is necessary to avoid any prejudicial publicity to both parties, including extensive discussion of potentially inadmissible and prejudicial information that the jury may not otherwise ever read or hear. Such a measure is, we submit, essential to preserve the defendants' constitutional right to a fair trial, as well as the government's similar interest in a fair trial. For all these reasons, we submit that the parties' interests in confidentiality and a fair trial outweigh the qualified First Amendment right of access at this time. *United States v. John Doe*, 63 F.3d 121, 128 (2d Cir. 1995).

We thank Your Honor for your consideration of this request.

Respectfully submitted,



Erin Monju

cc: Counsel for the government (by ECF and e-mail)